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USAToday

Rumph acquitted of DUI charges

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MIAMI (AP) — San Francisco 49ers cornerback ~~Mike Rumph~~ was acquitted Friday of driving drunk after a night out in Miami Beach last year.

He had faced a maximum sentence of six months in jail.

Miami Beach police said they stopped Rumph's vehicle at 4:20 a.m on July 6 after he left Level nightclub in South Beach.

According to a breathalyzer test, Rumph's blood-alcohol level was .091%. Under Florida law, the legal limit is up to .08%. He also failed field sobriety tests. He was charged with driving under the influence.

Rumph testified that he was sober, saying he had only two mixed drinks during two hours at the club. The defense attacked the validity of the blood-alcohol tests.

In closing arguments Friday in the four-day trial, prosecutor Andrea Ricker Wolfson said Rumph broke the law when he decided to drive after drinking.

"I'm not telling you Mr. Rumph was a drunken fool that night, but that he was impaired," Wolfson said.

Defense attorney Edward O'Donnell III acknowledged that his client rolled through two stop signs that night, but said he wasn't drunk.

"Who would stop for a stop sign at that time of night?" O'Donnell asked in closing.

He said Rumph was not driving erratically and did not cause an accident.

O'Donnell cited testimony from a defense expert who said the breathalyzer machine has an error factor that could have brought Rumph's level below the legal limit.

Rumph pleaded innocent to the charges last August. Before his trial began, he rejected a plea deal usually offered to first-time offenders that would have kept him out of jail.

Rumph had 41 tackles and one forced fumble in 16 games this past season with the 49ers. He was a key member of the University of Miami's 2001 national championship team and was selected as the first-round choice of the 49ers in the 2002 NFL draft, signing a five-year, \$6.4 million contract.
